IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO: 7432 of 2005

Between:

M/s. Praga Tools Limited, Kavadiguda, Secunderabad,
Represented by its Manager (F & A)

.... PETITIONER

AND

1 Employees Provident Fund Organisation, (Ministry of Labour,

Govt. of India) Regional Office, 3-4-763, Bhavishyanidhi

Bhawan, Barkatpura, Hyderabad - 27, Rep. by its

Enforcement Officer cum Assistant Provident Fund

Commissioner
2 The Regional Provident Fund Commissioner -II, (C & R)

Regional Provident Fund Office, Barkatpura, Hyderabad.
3 Chairman, Cental Board of Trustees, Employees Provident

Fund Organisation, Head Office, 14, Vikhaj Kem Place, New

Delhi - 6
4 Enforcement Officer, O/o. Regional Provident Fund

Commissioner -II, (CNR) Regional Provident Fund Office,

Barkatpura, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the Notice of Demand No. AP/144/R.Cell/PDRC NO. 01/05 dated 18-3-2005, Ref No./AP/144/Recovery Cell/2005 /611/2005 dated 18-3-2005 and consequential Proceedings AP/144/R.C. (C &R) 2005 dated 22-3-2005 under section 8F of EPF & MP ACT 1952 demanding payment of penal damages under Sec. 14(b) and interest under Sec. 7-Q of the EPF & MPACT 1952 as arbitrary, illegal, unconstitutional and null and void and consequently set aside the said Notice of Demand No. AP/144/R.Cell/PDRC NO. 01/05 dated 18-3-2005, Ref No./AP/144/Recovery Cell/2005 /611/2005 dated 18-3-2005 and consequential Proceedings AP/144/R.C. (C &R) 2005 dated 22-3-2005 otherwise the petitioner company will sustain irreparable loss and injury and pass such other order or order may deem fit and proper

Counsel for the Petitioner : MS.G.SUDHA

Counsel for the Respondents: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court, at the stage of admission, made the following :

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ORDER:

This writ petition is filed seeking a declaration that the two notices of demand dated 18-03-2005 issued by the Recovery Officer, Employees Provident Fund Organisation, A.P. as well as consequential proceedings dated 22-03-2005 issued under Section 8-F of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, 'the Act') demanding payment of penal damages due from the petitioner under Section 14(B) of the Act as arbitrary and illegal.

When the matter is taken up for consideration, the learned Counsel appearing for the respondents contended that since the impugned proceedings are only consequential proceedings in pursuance of the orders passed under section 14-B of the Act dated 3-11-2004 and 7-3-2005, the present writ petition is not maintainable

and the petitioner ought to have availed the alternative remedy of Appeal as available under Section 7-I of the Act.

Having regard to the objection raised by the learned Counsel for the respondents and since admittedly, an alternative remedy of appeal is available under Section 7-I of the Act, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to work out the alternative remedy of appeal against the orders dated 03.11.2004 and 07.3.2005. If any such appeals are preferred within a period of four weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law. However, having regard to the facts and circumstances of the case, there shall be a further direction to the respondents that no coercive steps shall be taken against the petitioner on the basis of the impugned order dated 22.03.2005 for a period of four weeks from today.

The writ petition is accordingly disposed of. No costs.

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06.04.2005

Note : Furnish C.C. by tomorrow.

(B/o)

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To

1 Enforcement Officer cum Assistant Provident Fund

Commissioner , Employees Provident Fund Organisation,

(Ministry of Labour, Govt. of India) Regional Office, 3-4-763,

Bhavishyanidhi Bhawan, Barkatpura, Hyderabad - 27,

2 The Regional Provident Fund Commissioner -II, (C & R)

Regional Provident Fund Office, Barkatpura, Hyderabad.

3 Chairman, Cental Board of Trustees, Employees Provident

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